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Oregon Territory
Clackamas County } ss

In the Clackamas County Court at an adjourned Term of August Term 1846 to October term following

In Chancery

The answer of the corporation of Oregon City Lottery of Oregon [illegible]

P H Hatch
M Crawford
J R Robb
George Hanna
F W Pettygrove } Trustees

Defendants to the Bill of Complaint of John McLaughlin Esq. Complainant

These Defendants now and at all times hereafter saving and reserving to themselves and each of them all benefit of exception to the said bill of complaint for answer thereto say that true it is that the said John McLaughlin has located a land claim in the County of Clackamas on the East side of the Wallamette River at and immediately below the falls in accordance with the laws of the provisional government of Oregon Territory and these Defendants further saith that true it is he has caused to be laid off and surveyed town lots on said claim ~~but~~ and these defendants aver and say that it is not true that the said lots so laid off and surveyed

~~by~~ the said McLaughlin aforesaid are known by the name of Oregon City — Said lots & land, as aforesaid are a part and parcel only of the said town of Oregon City as will more fully appear reference being had to the said ~~Plat~~ made & completed by one Jesse Applegate, but these defendants for greater certainty therein crave leave to refer to the same plat when the same shall be produced. And the defendants further say that true it is that the said McLaughlin has sold and disposed of several of said town lots to individuals, and the same are to a certain extent occupied and improved by the owners of said lots, And these defendants admit further and say that true it is that the said McLaughlin has erected valuable and serviceable Mills but these defendants do not admit but further answering say that it is not true that said Mills are adjoining to the town Plat of said Oregon City but further answering say that said Mills are on said Plat made by him the said Applegate as aforesaid and known to be on what is known by the name of Mill island on said Plat And the defendants further severally answer say that they or any or either of them to the knowledge or belief of the others or other of them do not know and have never been informed save by the said complainant's bill and cannot set forth as to their belief or otherwise whether said Mills are — situated thousand dollars And the defendants would further not deny but admit that the said McLoughlin has erected and built valuable houses on his aforesaid premises but these defendants further severally say that the aforesaid valuable houses are on the town Plot of him ~~the said~~ made & executed by the ~~said~~ Applegate Hill &c. as aforesaid it is not true that said valuable houses are adjoining to Oregon City and not on the plat of the same but say the said valuable houses are on the plat of the same And these defendants severally admit and further say that true it is that after the laying out of Oregon City the Legislature of the Provisional government of Oregon Territory passed a law ~~the same~~ incorporating the same agreeable to the said plat of him the said Applegate with the additions made thereto by continuing up the Wallamette River to the head of the Island including the same together with all that portion under the bluff on the East side of said River. But these defendants further severally deny and say that it is not true that said act of incorporation includes or takes in any ~~piece~~ parcel or portion of the said McLoughlin's land claim other than that or such ~~pieces~~ pieces or parcels as is laid down ~~in said~~ and designated thereon as the Mill Reserve

Meaning nothing more nor less than reserved from sale. And that the said Mills, towit both saw ~~mills~~ and grist mills ~~also the houses~~ of the said McLaughlin and also the said valuable houses of the said McLaughlin are located and ~~being~~ situated on the aforesaid Mill Reserve which I laid down and marked as such reserve meaning not for sale And the defendants aver and say that it is not true that the aforesaid mills and houses are not included in the town plat of Oregon City as set forth in the said complaint ~~and~~ but these defendants further aver and say that the said Mills and houses as aforesaid are included in said town plat And the defendants crave leave to refer to said town plat made and executed by the said Jesse Applegate And likewise crave leave to refer and to introduce the said first section of the act incorporating said Oregon City referred to in the complainants said bill And further these defendants severally and jointly aver and say true it is that said act of incorporation authorised the qualified voters for members of the Legislative Assembly residing in the limits of said corporation to elect one Mayor one Recorder and five Trustees, and the Mayor Recorder and Trustees so elected shall be a body politic & corporate with perpetual succession to be known by the name of the The Corporation of Oregon City of Oregon City aforesaid And further they aver & say that it is not contrary to the Organic Laws which is the Constitution of Oregon Territory as will appear reference being had to said Organic Law To wit To open roads and canals either by the levying ~~of taxes~~ of a road tax or the chartering of companies &c And these defendants further aver and say that the taxes as aforesaid levied on the property of the said McLaughlin was almost entirely levied for the purpose of making and working the roads & streets of our said town and as well for the benefit and to the advantage of the said McLaughlin as to the other citizens of our said corporation and is not contrary to the said Organic law and further it is not true that the election of officers Mayor Recorder and Trustees was not in accordance with the act of said corporation or the Organic law And further it is not true that the assessing of property was not as the law provides it should have been done And further these defendants say that it is not true that the acts of the said corporation was contrary to law and equity in assessing and attempting to collect a tax on the property of the said McLaughlin included in the town plat of said Oregon City for these defendants aver and say that they know of no reason why the said McLaughlin should not be taxed for his property within the limits of said corporation as well as their

as aforesaid amercement set forth a
to their belief or otherwise
and ~~[illegible]~~ further ^And these defen admit and
say true it is that the tax assessed against
the said McLaughlin amounted to the sum
of Two hundred and fifty two dollars fifty
~~[illegible]~~ and further true
it is that the said corporation appointed one
J. M. Moss as their Marshal and as such
Marshal for the purposes of doing and
performing all the duties required of him
by said Corporation the said Marshal proceeded
to collect said corporation tax and on the
4th of June Instant levied upon twenty
thousand feet of lumber the goods & chattels
of the said McLaughlin ~~[illegible]~~ and the
defendants ~~[illegible]~~ further ^ answering say
that it is not true that all of such acts
and doings are contrary to Justice and Equity
and the defendants further answering say that
that said acts and doings as aforesaid are
equitable and agreeable to good conscience
for that the act so creating said Corporation
was desired and prayed for by the good
people of said Oregon City & authorized
and sanctioned by the most gracious will
of the Legislature of said Oregon Territory
as will fully appear reference being had
to the said act of incorporation.

well further admit true it is in accordance with said act on the first Wednesday in Jany 1846 the voters aforesaid proceeded to Elect & Swear as their Mayor [illegible] Recorder and J. M. Pettygrew George Hammon Peter Smith M Crawford and James L Robb Trustees of the corporation of City of [illegible] who are the ~~said~~ Complainant in her said bill prays may be made the Defendants thereto in which the these defendants admit that it is true that they are the officers as aforesaid of said incorporation and appeared as such & take upon themselves to answer the complainants said bill agreeable to the prayer of the same in that behalf these defendants further admit and say that true it is that said corporation levied a tax on all property liable to a [illegible] tax to wit one half of one per centum as will fully appear reference being had to the records of said City corporation And further true it is that that the taxable property of the said McLaughlin within the limits of said corporation was assessed to be worth fifty thousand and five hundred dollars and ~~true~~ further true it is that the Mills of the said aforesaid McLaughlin was assessed forty thousand dollars And these defendants severally aver and say that ~~they~~ have never heard or been informed save by the said Complainants bill whether the said McLaughlin conducted them [illegible] from any thing more than [illegible] for sale and for milling

purposes

Oregon Territory } In the Clackamas
Clackamas County } County Court
October Term of
A.D. 1846

John McLaughlin }
vs } Answer in chancery
The Corporation of Oregon City }

And now the Respondents named in said petition in answer thereto say that true it is that the said McLaughlin has located a land claim in the County of Clackamas on the east side of the Wallamette River in accordance with the laws of the provisional government of Oregon Territory And further true it is that he has also laid off and surveyed town lots on said claim ~~[illegible]~~ ~~[illegible]~~ And the Respondents aver and say that the said lots laid off and surveyed by the said McLaughlin as aforesaid is well known by the name of Oregon City said lots constituting a part and parcel of said City — as will more fully appear reference being had to the ~~statute~~ ~~said~~ ~~town~~ act of said Incorporation of said corporation

other citizens should be taxed for their property within the ~~same~~ limits of the same.

And these defendants further aver and say that if there was any thing wrong in the ~~a~~ assessing the tax aforesaid of the said McLaughlin property the said McLaughlin ought he and should have applied and made complaint to the board of the said corporation for equalization & resurvey who are set ~~and~~ to deal out justice to the citizens of our said corporation impartially not knowing nor caring whether the applicant is weak or strong wealthy or poor ~~as has always been done without regard to all matters~~

And further these defendants aver and say at the time the good people of said ~~corporation~~ Oregon City petitioned the legislature to incorporate said Oregon City that the said McLaughlin ~~never~~ did not make to the said Legislature any objection to the then act incorporating the said Oregon City as aforesaid but has participated in the benefits arising from said act of incorporation and further never made any objections to being considered in the limits of said corporation but the said McLaughlin always appeared ~~[illegible]~~ satisfied & well pleased with said act of incorporation until he was taxed in common with other citizens ~~of the corporation~~ for all the taxable property within the limits of the said corporation ~~[illegible]~~ the defendants further say that they deem such objection unfounded ~~there~~ & are becoming and not in accordance with the charter.

~~good people of our said corporation~~
~~of the said McLaughlin but contrary to~~
~~good example and dangerous [illegible]~~
~~[illegible] manifestly by the said~~
~~McLaughlin to the [illegible] of law~~
~~and good order~~ [illegible]

of the good people of our said
corporation but contrary to good example
and dangerous to law and good order. And these
defendants further aver & say that Mills are
not such improvements as are required to
be made to comply with the requirements
of the law to hold and secure to the said
McLaughlin his said land Claim and further these
defendants say that an Act relative &
regulating the collecting the Revenue of said
Oregon Territory expressly declares that all mills
shall be taxed for Territorial purposes
~~and are subject to be taxed for county~~
purposes And further these defendants
aver & say that the act of incorporation of
said Oregon City expressly declares that
said corporation shall be allowed to levy
a tax on all property taxable for Territorial purposes within the limits of
the same not exceeding one per centum
per annum And these defendants aver
And say further that they did not levy a tax
on the said McLaughlin property which
did exceed one per centum per annum
but aver & say they only levyed one half
of one per centum on the said McLaughlin
property ~~[illegible]~~ within the limits of said
corporation

And these defendants further aver & say that all the allegations and averments in the complainants said bill of complaint contained therein except so far as the same are herein expressly admitted are not true. And that all the facts by these defendants in this answer set forth are true all which matters & things these defendants is ready and willing to aver maintain and prove as this honorable Court shall direct and humbly pray to be hence dismissed with their reasonable cost and charges in this behalf most wrongfully sustained

Lowry
Solicitor for
the Defendants

Oregon Territory - Clackamas District
August 21st 1845

This day appeared before me C. E. Pickett Esq, who states, that having written several letters to the W. States, and after sealing them in a package - marked "to be opened in the first Post Office in W. States"; - gave them to Mr Dement to take to Mr Hubbard, - but he declining to go, they were placed in the hands of another of the party - who gave them to Doctor White. Since the return of the party from their unsuccessful seeking of a passage through the Cascade Mountains up this valley; he endeavoured to get his letters in order to redate and add to them, and also from having some fears about their safety; - but after being put off by the agent several times, with some trivial excuse, - who stated at one time the letters were there, and again that he had no recollection of ever receiving such a package; was at last allowed an examination of all the letters he had, - when he found his missing, - the agent Dr White during the time talking and acting in rather a suspicious manner.

This examination took place the day previous to Dr Whites departure for the States; - and about the third day after, receiving some intimation that Mr Garrison was cognizant of matter relating to said letters, - desired his deposition to be taken on oath

☞ See next leaf

~~Oregon Territory, Clackamas District —~~

~~Augt 21st 1845 —~~

~~This day appeared before me C. C. Pickett who states that having written several letters to the U. S. and after sealing them in a packet, gave them to Mr Dement to take them to Mr Hubbard, but he not going, they were given into the ~~party~~ hands of Dr White who was about starting. Since the party have returned, they being unsuccessful, have endeavoured to get the package to add to them but have been not been able to discover them and having received a hint that Mr Garrison was cognisant of matters relating to them, desired his deposition to be taken on Oath —~~

I. M. Garrison. being sworn — — deposed —

That on or about the 9th of July, I was with Dr E White at his House he tooke me on one side, and informed me – as follows:
That he had a matter of serious consequence which he wished to relate to me and get my advice, on condition I would vow eternal secrecy. to which I replied, I cannot vow eternal secrecy not knowing what it is you are about to reveal, but if ~~it~~ the disclosure is a matter that can be of no interest or benefit to any one, I shall feel myself morally bound to say nothing about it, then Dr W replied as follows — The matter to which I alluded ~~to~~, is I have a packet of letters which were written by Mr Pickett directed to different persons in the U. S. ~~they was~~ one of them to The Honble President Polk. another to Mr Picketts mother, and I thought it my duty as an officer of the Government of U. S. and bearing letters to a principal man in that Government to know what those letters contained, and on examining the letter directed to President Polk, I found myself basely slandered by Mr Pickett, tho' it was artfully written. yet it accused me of being a liar and a rascal, and but few people in the Territory did or could repose any confidence in me, and now I wish to know of you whether you would carry such things or not, to which I replied, if I had letters to bear and had agreed to carry them I should not ask what they contained, but would feel myself under such circumstances, as much bound to carry a letter from an enemy as I would from a friend, and I think it was a rascally piece of business to break open those letters, to which he replied, I did not break them open, then I asked him who did he (the Dr) replied – a friend of mine, to which I replied. I cannot

conceive that even that would make you ~~[illegible]~~ excusable, and the Dr replied, I hope you will not say any thing about it, to which I replied. I do not consider myself in any respect bound, but think you have acted rascally. —

When Dr W. said a friend had broken the letter, he nodded towards the house, several persons were in the house among them Major Harris. A. L. Lovejoy – McKinley and some others —

J. M. Garrison

Sworn and subscribed to in my presence this 21st day of August 1815 Fredc. Prigg – Justice of the Peace

Bond and Security required
of Lewis Belcher } $100,00

Fred^c. Prigg Judge C C Court

11037

I hereby authorize George Lilsil, to execute and return
this Writ

Fred^c. Prigg
Judge of Clackamas County Court

Oregon City
August 5th 1846

Writ of Ne Exeat Republica

Oregon Territory } ss — To the Marshal, sheriffs or other Con
Clackamas County } stables of Oregon Territory —

Whereas a Bill and Petition having being filed before me a Judge of the County Court of Clackamas County, in Vacation, by Job McNamee, praying that a writ of Ne exeat be granted against Lewis Belcher, and the requisite affidavit and Bond being given. —

These are therefore in the name of Oregon Territory to command you to summon Lewis Belcher to appear at the County Court of said County on Monday the 18th of May (present) and upon the same being served upon him, he is hereby required to give bond and security in the sum endorsed on this writ, conditioned that he will not depart the Territory without the leave of said Court, and in default of giving such security, you are commanded to take his body and so provide, that any judgment or decree which the said Court may render against him, may be carried into effect.

Hereof fail not, and have you then and there this Writ —

Given under my hand, in Vacation, at Oregon City this 5th day of May 1846 — Fredc. Prigg

Presiding Judge of
Clackamas County
— Court —

Executed the within 1038
Subpoena by Reading the
Same to the within named
witness Oregon City
T. March 9 - 1846

Const

Return

Oregon Territory } To the Sheriff or any
Clackamas County } Constable of said County

In the name of Oregon Ty. you are hereby commanded to summons Lewis Belcher to be and appear before Thos. Prigg a Justice of the peace in and for said County, at his office in Oregon City, on Saturday 21st inst. at 10 O'clock A.M. to ~~answer the complaint~~ give evidence on the part of defendant, in a certain cause to be then and there tried between Jos. McNamee plaintiff and George Ufin defendant

Given under my hand & seal this 9th day of Mar 1846 C. E. Pickett Justice

Apr.l 24th 45

Mr. L. A. English esq. Dr. To W. Hall

" for school articles " Tuition. $2,50 c

House rent $ 66 2/3

$3,16 2/3

The above you will please send to me the 28th Inst. the end of the 1st school month & oblige your friend &c

Respectfully
W. Hall

166 2/3
83 1/3

one Red Heffer Markid With
a Smooth crop of the Left ere
with two uper Bits one in each
ere no others marks nor Brands
Perseavable Praised to $15

By S L English
and William Hendricks

Sworn to before me and in my presence this
27th day of November 1845
Fred. E. Rigg

Served the within
by Reading the Same
within

1040

Oregon Territory, District of Clackamas &c — **1040**

~~To Francis Ermatinger~~ } To John McGlaughlin

In the name of Oregon, you are commanded to attend at L. Rigg's office on the 16th of November 1845, to answer such questions as shall then and there be put to you, as regards ~~your~~ indebtedness to W. K. Foster hereof fail not

Dated 31 Octr 1845

H. H. Hoyt
Const

Oregon - County of Clackamas — Ss

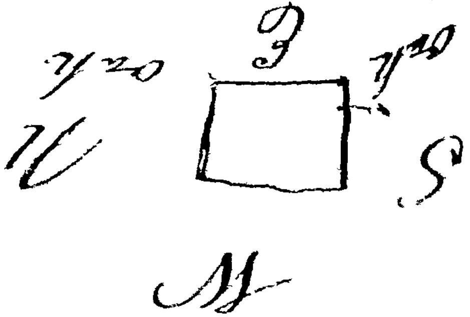
Theophilus Mc Gruder make affidavit and depose that — Mc Kinley is justly indebted to him, after allowing all just offsets and credits, in the sum of $11.25 — and that the said — Mc Kinley has removed out of the County, and absented himself - that the ordinary process of Law cannot be served upon him

Ths Magruder

Sworn and Subscribed in my presence this 24th day of July 1845 — Fred. Prigg (Justice)

Fredrerick Noble
[illegible]tificate

1042


7/20
3
7/20
N
S
M

Fred^k Noble
certificate of
Land claim

Frederick Noble claims 640 acres of Land in Champoig County, situate on Abiqua Creek a fork of Pudding river, joining Pierre Bayville's claim on the E. side, as follows: To Wit: Commencing at the S.E. corner at an Oak tree marked on the S. side of Abiqua Creek, thence running one mile N. to an Oak tree marked, thence one mile W. to an Oak tree marked, thence one mile S. to an Oak tree blazed, and from thence to the place of beginning, which he holds by personal occupancy.

Recorded October 29th 1846

This is to certify that the above claim is recorded at page 59 of the Land Record Book No. 4 at the Recorders Office in Oregon City

Attest, Fredk. Prigg, Rec.

Oregon Territory } SS.
Clackamas County }

1043

We the undersigned Presley Welch and Andrew Hood acknowledge ourselves indebted to Stepn. H. L. Meek in the sum of One Hundred and thirty dollars to be void upon this condition: — Whereas Presley Welch has appealed from the judgment of Fredc. Prigg, a Justice of the Peace in an action between Stevn. H. L. Meek, plaintiff and Pr. Welch defendant, now if on such appeal the judgment of the Justice be affirmed, or if on the Trial anew in the County Court, judgment be given against the Appellant, and he shall satisfy such judgment, or if the appeal be dismissed, and he shall pay the judgment of the Justice, together with the costs of appeal, the recognizance shall be void otherwise to be in force

P Welch (S.)

Andrew Hood (S.)

1044

Defendant not
found and Served
within Garnishee
on J M Wair at
Oregon City this
22 Day of July
1845 H H Hyde
Const

1044

Oregon - County of Clackamas. ss.

To H. H. Hyde, constable of said County. —

In the name of Oregon, you are commanded to attach —— McKinley, by all and singular his goods, chattels, moneys, effects, and credits, or so much thereof as shall be sufficient to satisfy the sum of $11-25. with costs of suit, in whosoever hands or possession the same may be found in your County, and so provide, that the goods and chattels so attached, may be subject to further proceedings thereon, as the Law requires; and also to summons the said - McKinley if to be found, to be and appear before me at my office, in Oregon City, on Thursday the 31st day of July present, at 10 o'clock in the forenoon to answer unto Theophilus McGruder plaintiff. and also that you summon as garnishees all such persons found in your county, as may be directed by the plaintiff, to appear before me at the time and place aforesaid, to answer such interrogatories as the Justice may propound, and have you then and there this writ —

Given under my hand this 24th day of July - 1845

Fredc. Prigg —

Oregon, County of Clackamas ... ss

Virny W. Dawson maketh affidavit and says that one William (a Kanaka) and servant of the Hudsons Bay Company, did on the morning of the 14th day of July 1845. assault him, by throwing stones or Rocks at him V. W. Dawson

Sworn and subscribed in my presence this 15th day of July 1845

Fred^c Prigg J. P

Oregon Territory } ss.
Clackamas District } to H. H. Hyde, Constable

In the name of Oregon Territory, you are commanded to attach Nathan Hussey, by all and singular his goods, chattels, moneys, effects and credits, or so much thereof as shall be sufficient to satisfy the sum of $22.00 with interest and costs of suit, in whosoever hands or possession the same may be found in your district, and so provide that the goods and chattels so attached, may be subject to further proceedings thereon, as the law requires. and also to summons the said Nathan Hussey, if to be found, to be and appear before me at my office in Oregon City, on Monday the 8th day of Decr present, at 10 o'clock in the forenoon to answer unto Isaac Laswell plaintiff,

Given under my hand this 1st day of December
1845 —

Fred^c. Prigg
Justice of the Peace

W G Trault
ads
William [illegible]

} before Justice Pegg

1047

Now at this term comes the defendant W G Traultman and defends the wrong & Injury when &c and says that he did not assume in manner & form as the said plaintiff hath alledged in said declaration & of this he is ready to verify wherefore he prays Judgment of the Court &c

And for further and second plea in this behalf the said defendant comes & defends the wrong & Injury &c and prays the Court in this behalf to dismiss said cause of action unless the said plaintiff give security for Costs of suit. & prays Judgment of the Court &c And for further & third plea in this behalf the said defendant comes & defends the wrong & Injury when &c. and say he is not indebted to the said plaintiff as he the said plaintiff hath in manner & form in his said declaration alledged. but that the said plaintiff is justly indebted to said defendant in a large sum of money to wit the sum of fifty dollars all of which he is ready to verify wherefore he prays Judgment &c And for further & fourth plea in this behalf the said defendant comes & defends the wrong & Injury when &c and say that he has material witness who are non residents of of Clackamas County and residents of

Champoeg & Polk counties in Oregon Territory, to wit one Flanning of Polk County by whom he expects to prove that said ~~defendant~~ plaintiff is indebted to said defendant in a large sum of money also to wit ~~John~~ John Martin & John Dunbar of Champoeg also by one Belew that said plaintiff is indebted to said deft in a large sum of money and that said defendant has not been able to procure the testimony of said witness on the trial of this cause at the day appointed for the trial of the same, that if said cause is continued for sixty days the time allowed by law the said defendant believes he can procure the deposition of said witness and he knows of no other by whom he can prove the same facts. &c

W E [illegible] deft

Fourth and last plea. Subscribed and sworn to before me this 15th day of May 1850

Fredc Paige
Justice

1048

Oregon Territory } ss. To George Gilsil, David Cully
Clackamas District } ~~Wm. B. Daly~~ Walter Pomeroy
John McClure, Geo. Abernethy,
Ryan Jeptha ~~George~~ Osborne, & Peter Brainerd—

In the name of Oregon Territory, you are hereby required to appear before the undersigned, Justice of the peace in and for said District, at his office in Oregon City, on Monday the 8th day of December present, at 10 o'clock in the fore noon, to give evidence in a certain cause then and there to be arbitrated between Alanson Husted & Francis Ermatinger.

Given under my hand this 3rd day of Decr 1845 } Fred Prigg
Justice

Executed the within
Subpoena by Reading
the same to Walter
Pinnery Jepthia Osburn
Geo Hamnithy Geo Liebel
William Ryan Daniel
Cullimey N F Duff at
Fulton City Dec 8 1845
Wm W Hoyle
Const

John McLure
S. Brainard
Not Found

1049

Served the within writ by Reading the ~~st~~ Same to William Bunton at Oregon city this 25 Day of July 1845

H H Hyde
Const

Summons — { Oregon —
County of Clackamas ss. }

To H. H. Hyde, Constable of said County —

In the name of Oregon, you are commanded to summon William Bunton, if he shall be found in your County, to be and appear before the undersigned, Justice of Peace in and for said County at his office in Oregon City, on Saturday the 2nd day of August 1845. at 1 o'clock in the afternoon of said day. to answer the complaint of T. W. Moss, for the recovery of a debt of 103 dollars —

Given under my hand this 25th July 1845

Fred. Prigg. — Justice —

Oregon Territory } ss Novr 17th 1845 **1050**
Clackamas District }

Whereas judgment having been rendered and execution issued against W. R. Foster, attaching his property for the amt of $9.10 —

I, J. G. Campbell therefore acknowledge myself indebted to W. R. Foster in double that amt viz $18.20 — conditioned, that if the said W. R. Foster shall within one year from the date of this bond, appear and disprove, or avoid the debt and damages adjudged against him, or any part thereof — I J G. Campbell will pay and refund to the said W R Foster all such money, as shall have been received by and not justly due to me, together with all damages as shall be assessed then this bond shall be void —

Subscribed in my presence this
17th day of November 1845 —
Fred. Prigg
Justice

J G Campbell

1051

To the Hon. Representatives
of Oregon

Oregon Territory Augt 30th 1845.
Clackamas District } SS.

Whereas judgment having been rendered against J McKinley, upon publication of notice without service, or his appearance to the action, attaching his property for the amount $16.50 —

I Noyes Smith therefore acknowledge myself myself indebted to J. McKinley, in double that amount viz. $33.00 Conditioned, that if the said J. McKinley shall, whithin one year from the date of this bond, appear and disprove, or avoid the debt or damages adjudged against him, or any part thereof, I Noyes Smith will pay and refund to the said McKinley all such money as shall have been received by and not justly due to me, together with all damages as shall be assessed, this bond shall be void.

S W Moss
by N Smith

Subscribed in my presence this
30th Augt 1845. Fred^{c}. Prigg

Halboras Act

1052

1052

Found due to T. J. Hubbard on Settlement of Book Account $28.78 from the Estate of E. Young deceased Wellan the Febr 8. 1841

Errors Excepted

David Leslie
William Johnson
Jas. A. ONeil

1053

Served the within writ by Reading the ~~same within~~ same to J. G. Eckler at Oregon City this 11 Day of Nov 1845

[illegible]

[illegible]

1053

Oregon Territory } ss
Clackamas District } To J. H. Hyde, Constable,

In the name of Oregon, you are hereby commanded to summon I. S. Griffin, if he shall be found in your district, to be and appear before the undersigned, Justice of the Peace in and for said district, on Tuesday the 18th day of November inst. at 10 o'clock in the forenoon, at his office in Oregon City to answer the complaint of J. E. Long

Fredc. Prigg
Given under my hand this 11th day of Novr 1845. Justice

1054

We of the Jury find for the Plaintiff and assess his Damage — of $25.87

J. Magruder, Forman

1055

Oregon August
25th 1845

I Certify on oath, that sometime during the first week in July last, I was intrusted with a package of letters, by Mr C. E. Pickett, to be delivered to one of the party going to the States with Dr E. White, Sub. Ind. Agent in Oregon.

That upon going up the Country a short distance above Dr Whites residence, I met with Mr Chas. Saxton — a friend and companion of Dr Whites, who was also going to the States, — and delivered the letters to him; he being then on his way to Dr Whites house.

Seeing Mr Saxton next day I inquired of him as to the disposal of the package, and was answered that he had delivered ~~them~~ it to Dr White.

Wm C Dement

1056

I do solemnly affirm that the order now produced purporting to be drawn by me on Mr Geo Abernethy for Twenty Five dollars and twenty five cents in favor of William Pelham and bearing date 5th March 1845 Is not written or signed by me, neither was it authorized by me in any way — So help me God

James Hinck

Sworn and subscribed in my presence this 7th day of May 1845 —

Frederic Prigg
Justice of the Peace

Oregon City
County of Klackamas

Served the Within
Summons by the Defendant
ac Knowledg Service
of the Same the 10
Day of Dec 1825

[illegible]

1057

~~[illegible] the within~~
~~[illegible]~~
~~[illegible]~~
~~[illegible] at [illegible]~~
~~1st Day of [illegible] 184[illegible]~~
~~H. A. M[illegible]~~
Consul

1057

Oregon Territory }
Clackamas District } ss. To W. W. Hyde, Constable

In the name of Oregon Territory, you are hereby commanded to summon William Holmes, to be and appear before the undersigned, Justice of the Peace in & for said District at his office in Oregon City on Wednesday the 17th day of December 1845 at 11 o'clock in the forenoon, to answer the complaint of Amasa Hoit in regard to a promissory Note.

Given under my hand this 9th day of Decr. 1845
Fredk. Prigg

Articles of Agreement entered into by James Houck of the one part and S. M. Holderness of the other witnesseth

That whereas the aforesaid James Houck has this day conveyed his right and title to the half of a claim situated in Klakamus County Oregon, which he held as partner of Wm Holmes the present occupant, the aforesaid S. M. Holderness of the second part agrees to pay him four hundred dollars in case he succeeds in holding the half of said claim as represented by the said James Houck, and also the said Holderness hereby agrees to give back the right and title to said Claim in case the said James Houck pays him the sum of one hundred dollars, above the amount as agreed above he defraying all the expences the said S. M. Holderness

may have been at with the said claim
And furthermore the said McOuck agrees
to pay all contingent expences such as
may accrue out of or ~~betw~~ or arising
from the said Claim.
The aforenamed sum of money to be
paid on or before the first day
of August eighteen hundred and forty
six in case the said J. M. McOldrup
succeeds in holding the half of said
Claim as aforesaid. Otherwise this instru
~~In witness~~
ment to be null and void.
In witness whereof we hereunto assign
our names this 7 day of May 1845

Attest
J. C. Long

James Houck
J. M. McOldrup

1058

At the request and risk of the plaintiff, I authorise
to execute and return this writ —

Frederic Prigg
Justice of the Peace

1059

Oregon } To the Sheriff of Oregon, or to
County of Clackamas } ss. any Constable of said County, greeting

Whereas complaint is made to the undersigned Justice of the peace in and for said county, of a certain forcible entry and detainer made by Nathan Smith on the land and possessions of Amasa Hoit in the county aforesaid These are therefore in the name of Oregon, to command you that you cause to come before the said Justice, at my office in Oregon City, on Saturday the 7th day of June 1845 at the hour of 1 o'clock in the Afternoon of said day Twelve good and lawful men, of the body of the County to make a Jury to enquire into the forcible entry and detainer before described —

Given under my hand this 24th day of May 1845
Frederic Prigg — Justice —

1260

Oregon — County of Clackamas ss.

I Philip Foster maketh affidavit and depose that a certain Kanaka, named John, an indentured servant in my employ, has absconded, taking forcibly away with him divers property, intrusted to him for proper use, by which I am deprived of his services and otherwise put to great inconvenience, tho' his breach of contract, entered into with me, by his own free will and deed —

Philip Foster

Sworn and subscribed in my presence
this 13th day of July 1845

Fredc Prigg

1061

Executed the
within writ by
Bringing the Defendant
Before the undersigned
Justice March
27 - 1846
H H Hyde
Const

Oregon Territory } To the Sheriff or any
Clackamas County } Constable of said County —

In the name of Oregon Territory, you are hereby commanded to take the body of John Randolph, and bring him forthwith before the undersigned Justice of the peace, in and for said County, at his ~~xx~~ office in Oregon City, to answer the Complaint of D. C. Ingles, and also to give notice to the plaintiff —

Given under my hand this day
the 27th March 1846 —

Fred C. A. Rigg
Justice

Oregon - County of Clackamas Ss.

Know all men, that Aaron Cook and Nineveh Ford both of Oregon, have agreed to submit the demand, a statement whereof is hereto annexed, to the determination of W. H. Gray - Fendal C. Carson, and Medora Crawford, the award of whom or the greater part of whom, being made and reported within one year from this day to the District court of the county of Clackamas, the judgment thereon shall be final: and if either of the parties shall neglect to appear before the arbitrators, after due notice given them the arbitrators may proceed in his absence -

Dated this 27th day of May
1845

Nineveh Ford

Aaron Cook

Then the above named Aaron Cook and Nineveh Ford personally appeared, and acknowledged the above instrument, by them signed, to be their free act, before me,

Frederic Prigg
Justice of Peace

Executed the
within Subpoena
by Reading the same
to ~~the within named~~
so ~~Hiram Baldwin~~
within named person
March 20 1846
V. C. H. Cyde
Clerk

1063

Oregon Territory } ss. To Alfred Baldwin
Clackamas County } & Lewis Belcher
H. P. Walkup

In the name of Oregon Territory, you are required to be and appear before the undersigned Justice of the Peace, on Saturday next the 21st March (present) at 12 o'clock at noon, at his office in Oregon City, to give evidence in a certain cause to be then and there tried between Job McNamee plantiff & George Nolan defdt on the part of plaintiff.

Given under my hand this 1[illegible]th day of March 1846. } Fred Prigg

To Squire Rigg — Sir

please issue your summons for the following persons as witnesses for the Defent. (in a case wherein Jos. McLeane is Plaintiff & George Urbum Deft) Mrs Belcher — Oregon City — Margaret Thorp

George Urbans,

Executed the within
venire by summoning
~~they~~ good and lawful
Men Oregon City
March 21-1846
H H Hyde
Const

Oregon Territory
Clackamas County } ss. To H W Wyatt
Constable of said County

In the name of Oregon Territory, you are hereby commanded to summon six good and lawful men to be and appear before the undersigned Justice of the Peace, at his office in Oregon City, on Saturday the 21st of March present, to make a jury for the trial of an Action between Job McNamee Plaintiff and George Urban defendant.

Given under my hand
this 21st day of March
1846 } Frd Prigg
Justice

Hiram P. Walkup

Oregon Territory } ss March 14th
Clackamas County } 1840

George Urban this day maketh affidavit that he cannot safely proceed to trial this day in consequence of the absence of material witnesses, that he has used due diligence in endeavouring to procure the same and believes if an adjournment be allowed he will be able to procure their attendance

George Urban.

Sworn and subscribed in my presence this 14th day of March 1840

Fredc Prigg
J Justice

Executed the within
writ by Rendering the
same to Geo Oburn
at Oregon City
Feb 16-1846
H H Hoyle
Const

1067

Oregon Territory } ss: To the Sheriff or any Consta-
Clackamas County } ble of said County —

In the name of Oregon Territory: you are hereby commanded to summon George Obern to be and appear before the undersigned, Justice of the Peace, in and for said County, at his office, in Oregon City, on Monday the 23rd inst. at 12 o'clock, M. to answer the complaint of Job Mc Namee in an Action of Assumpsit —

Given under my hand this 9th day of Februay A.D. 1846 — Fredc Prigg Justice P.

Executed the within writ by Delivering a Copy to the Defendant Council [illegible]
Feb 27 - 1846

H. Hoyle
Const

Oregon Territory } SS
Clackamas County }

To Jobe McNamee, his Agent or Attorney greeting,—

Whereas on the 25th day of Feby. 1846 came George Oburn with his Attorney, and prayed to have the judgment rendered in his case on the 23rd inst. set aside and a new trial granted, in consequence of his understanding and firmly believing that the hearing on the 23rd inst. was adjourned, he having attended before 12 M. and stated his inability to proceed, ~~considering~~ for lack of his witnesses attending ~~his want knowledge of Law, that was of~~ ~~[illegible]~~ and ~~because~~ also appeal would afford him no recourse, as he could not plead a set off not having done it before the Justice through the above erroneous impression —

It was therefore considered by the Justice that good cause was shown, why the judgment should be set aside — it is therefore set aside and a new trial granted, to take place on Saturday the 14th March 1846 at 12 M.

Given under my hand this 27th Feby. 1846 } Fred S. Prigg Justice —

Recd by
December
[illegible]

1069

Resolved,

Two thirds of this House concurring therein that the following amendment to the Organic Laws of Oregon be submitted to the people,

First: As an additional article to the organic Laws, the following be submitted to the people:

The provisional Government of oregon shall exercise jurisdiction coextensive with the rights of the United States of America.

Second. To amend the Oath of office by inserting after the word ~~[illegible]~~ Support "the constitution of the United States and" and striking out of the oath of office the words "So far as is consistent with my duties as a citizen of the United States or a Subject of Great Britain". So that the the Oath of Office shall read

I do Solemnly Swear ~~to~~ that I will Support the Constitution of the United and the organic Laws of the provisional Government of Oregon and faithfully demean ~~your~~ myself in Office So help ~~you~~ me God.

~~Petition~~ 1070

Memorial
of Harry Clark
and others
Sept. 13th. 184[illegible]
Read and laid
upon the table

To the Honorable, the House of Representatives of Oregon Territory

The undersigned, your petitioners beg leave to present the following memorial.

Wheras, we have incidentally heard, that your Honorable Body have stricken one name from the number of petitioners for Tualatin Academy, and substituted another, we as petitioners beg leave, respectfully, to protest against such change in the names of the petitioners

Harvey Clarke
George H. Atkinson

See over

Peter H Hatch

1071

Served the within Subpoena
by By Reading the Same to
Capt Barlow Mr Hill at
Oregon City April 18th 1846

H. H. H[illegible]

L White
not found

1071

Oregon Territory
Clackamas County } ss- To Capt. W Barton and S. White & Mr. Hull

In the name of Oregon Territory, you are hereby required to be and appear, before the undersigned one of the Justices of the peace in and for said County at my office in Oregon City, on Saturday the 18th day of April (now present) to give evidence in a certain cause to be then and there tried between P. OReilly plaintiff and John Waters defendant, in the part of defendant, at 10 o'clock A. M.

Given under my hand this 17th April 1846 } F. Prigg Justice

: Palmer — Consti[illegible]tion of the Compy produced — the duties of Pilot proceed at the head of Compy with the Captain, select camps, report upon the road &c Meek travelled with me only about 2 weeks — he was to go in the advance Co. each division going ahead alternately — no person was of material service to us, as the road was plain — tho' water & wood was not always to be met with — and a pilot would have been serviceable in that matter

Col. Taylor — queried Mr P. — thinks Meek did not fully fulfil his contract — heard it said by Meek that he was an Emigrant one of the Co. at any rate —

C. Palmer — saw notices along the road but not all the way — the last I saw was little Sandy — Received notes of the Road from Mr Meek at Ft Hall

R.L. Smith — about the 7th August — saw Mr Meek at Ft Hall — who said he was about to take a cut-off at $1/½ a head — and all those who paid should go with him — & that he should go ahead to the forward companies — X part of the original Compy was ahead

— Hull — was in the Cut off — much distress was experienced — parts of several Compys were in it, but principally the St Jo. Compy — there were 9 Waggons of the original Co, recollect a notice for the Compy to come up & pay — think it was on Crooked River —

S. Parker — was in the St Jo Compy — separated & came on to the 2nd Crossing of Snake River — Capt Riggs was appointed Capt — saw Mr Meek who showed a bond — he thinks for $500, took the cut off — much misery was experienced, & deaths were many — the first death was on the Malheur — before we got to Stinks Hollow

The notes left on the road before we got to Stinky Hollow, were tolerably correct, afterward very incorrect ——

— Barlow —— received notes, which were some times correct & sometimes incorrect — the Green River cut off was a benefit to us about 4 or 5 days —

66
66
132

11672

Executed the within
Subpoena by Reading
the Same to Mrs Frin
and M. Hagel
March 21 - 1846

H H Hagel

1075

1073

Oregon Territory } ss To W. Hall,
Clackamas County } Mrs Friar —

In the name of Oregon Territory you are hereby required to be and appear before the undersigned Justice of the Peace in & for said County on Saturday the 21st day of March (now present) at 12 oclock at noon at his office in Oregon City — to give evidence in a certain cause then and there to be tried between Job McNamee plaintiff & George Urban defendt. on the part of the defendant —

Given under my hand
this 21st March 1846 —

Fred. C. Prigg
Justice

Executed the within Subpoena by Reading the Same to the within named witnesses March 21th 1845

W H Hazel
Const

1074

1174

Oregon Territory }
Clackamas County } ss — To Hiram P. Walkup

Mrs Thorpe —

In the name of Oregon Territory you are hereby required to be and appear before the undersigned Justice of the Peace on Saturday next the 21st March (inst.) at 12 o'clock at Noon, at his office in Oregon City, to give evidence in a certain cause then and there to be tried between Job McNamee plaintiff and George Urban defendant, on the part of defendant

Given under my hand this 16th day of March A.D. 1845 — Frederic Prigg — J.P.

Judgment	10,00	6.63
Costs	1.00	
	11.00	
received in part	3.37	
	$7.63 — c/f —	

1075

4.75

Judgment & Costs — 7.30
Accrued in part — 1.55
5.75 = ex —

one Braſs Mant— Clock
~~one Rifle gun~~
~~and [illegible]~~

Execution

Oregon Territory }
Clackamas County } ss. To any Constable of said County —

Whereas judgment against Alanson Husted, for the sum $6.30 and $1.00 costs, lawful money of Oregon, was recovered the 7th March 1846 before the undersigned Justice for Clackamas County, at the suit of D. Waldo. of which $. 1" 55 has been paid in part —

These are therefore in the name of the Territory of Oregon, to command you to levy distress, on the goods & chattels of said Alanson Husted (excepting such as the law exempts) and to make sale thereof according to Law in such cases made and provided, to the amount of said sums, together with 37½cts for this execution and the same return to me within 30 days

Given under my hand this 20th day of April 1846 — Fredc Prigg Justice

Oregon Territory }
Clackamas County } ss To any Constable of said County —

Whereas, judgment, against Alanson Husted for the sum of $10.00 with costs of $1.00 — Ermatinger money was recovered the 7th day of March 1846 — before the undersigned Justice of the Peace, at the suit of S.W. Moss —

These are therefore in the name of Oregon, to command you to levy distress, on the goods and chattels of the said Alanson Husted (excepting such as the law exempts) and to make sale thereof according to Law in such cases made and provided, to the amount of said sums with 37½cts — for this Execution, and the same return to me within thirty days —

Given under my hand this 20th day of April 1846 —

Fredc Prigg
Justice

At the request & risk of Plaintiff
I hereby authorize F. C. Cason
to execute & return this writ

Fredk. Prigg J. P.

Served the within by reading the
same to Powel Welch on 17th Decr
1845 — Fendal C. Cason

1070

1
2
2

John R. McLean

18576

Oregon Territory }
Clackamas District } ss. To any Constable in said District

In the name of Oregon, you are hereby commanded to summon Powel Welch if he shall be found in your District to be and appear before the undersigned, Justice of the peace in and for said District, at his office, in Oregon City, on Wednesday the 24th of Decr present, at 10 oclock in the forenoon to answer the complaint of Steves, H. L. Meek in an action of debt

Given under my hand this 16th day of Decr 1843 }
Fredc Prigg
Justice of the Peace

[illegible] 1077

I arrested the within named William Knoke on the 15 of July 1845 and brot the same be fore the within named Justice

J. L. Meek Sheriff

Fee. $1.00

Oregon, County of Clackamas S.S.

To the Sheriff or any Constable of Oregon

It having been shown to me by affidavit that one William (a Kanaka) in the service of the Hudsons bay Company, has committed an assault on Henry Dawson citizen of Oregon Territory —

These are therefore in the name of Oregon to arrest and bring him (the said William Kanaka) forthwith before the undersigned Justice of the County of Clackamas to answer the charges against him

Given under my hand this 14th day of July 1845

Fred Prigg - Justice